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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 JOHN ROBERT APPLEBY,) CASE NO. C08-1115RSL
06)
Plaintiff,)
07)
v.)
08) ORDER DISMISSING § 1983 ACTION
SNOHOMISH COUNTY DETENTION)
09 FACILITY, et al.,)
Defendants.)
10)

11 The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice
12 Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and
13 ORDER:

- 14 (1) The Court adopts the Report and Recommendation;
15 (2) The complaint and this action are DISMISSED without prejudice;
16 (3) Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot;
17 and
18 (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

19 Dated this 1st day of December, 2008.

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21 Robert S. Lasnik
United States District Judge
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